

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO.117 OF 2023
IN
TESTAMENTARY PETITION NO.985 OF 2023**

Bakshi Tinderjit Singh Amolakh Singh Lamba
alias Tinderjit Singh Baxi Amolakh Singh Lamba
alias Tinderjit Singh Amulak Singh Lamba alias
Tinderjit Singh Amolakh Singh Lamba alias Tinderjit
Singh Lamba ... Plaintiff

V/s.

Bakshi Daljit Singh Lamba & Anr. ... Defendants

Mr. Uttam S. Rane for the Plaintiff.

Mr. Tejas Mane, Vishal G. Shirsat for the Defendants.

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CORAM : ARIF S. DOCTOR, J.

DATE : 15TH APRIL 2025

P.C. :

1. Mr. Mane, Learned Counsel appearing on behalf of the Defendants submits that the Defendants did not choose to lead any evidence in the matter. The evidence of the Defendants is therefore closed.

2. Mr. Rane, Learned Counsel appearing on behalf of the Plaintiff points out that the Plaintiff has relied upon five documents, out of which three

are admitted by the Defendants and two are the Will and the Power of Attorney, which are not admitted. He submits that the admitted documents can now be marked as Exhibits and the documents which are not admitted can also be marked, subject to proof. Learned Counsel appearing on behalf of the Defendants does not have any objection to this.

3. Hence, the following documents are marked:

- i. Original Death Certificate of the deceased, i.e., Prem Kaur is marked as **Exhibit-P1/2**.
- ii. Original Passport of the Plaintiff, i.e., Tinderjit Singh Lamba alias Tinderjit Lamba as **Exhibit-P1/3**.
- iii. Photographs of the Plaintiff with family is marked as **Exhibit-P1/4**.
- iv. Copy of the Will and Testament dated 15th March 1993 of the deceased Prem Kaur as **Exhibit-P1/5**, subject to proof.
- v. Original Irrevocable Power of Attorney executed by the deceased Prem Kaur in favour of the Plaintiff is marked as **Exhibit-P1/6**, subject to proof.

4. The matter shall now proceed to record the cross-examination of PW-1. Hence, Mr. Yugal Anjana Bhatia, Advocate is appointed as Court Commissioner for recording of cross-examination. The details of the Court Commissioner are as follows:

Name : Mr. Yugal Anjana Bhatia, Advocate

Address : 102, Maruti Business Park,
Off Link Road, Off Veera Desai Road,
Andheri (W), Mumbai 400 053.

Mobile : 9867692020

Email : yugal.law@gmail.com

5. All cross examination shall be conducted strictly in question and answer form.

6. The Commissioner is at liberty to exercise discretion under Order XVIII, Rule 4(4) of the Code of Civil Procedure, 1908 to note the demeanour of the witness, wherever necessary.

7. The Commissioner is directed to video-record the cross-examination and submit the original audio visual recording along with the Commissioner's report to the Registry.

8. Costs of the commission shall be borne by the Plaintiff.

9. The Plaintiff shall also pay costs of Rs.500/- per hearing to the Court Clerk, who attends the Commission with the Court papers. This is required since these Clerks attend the Commission, in addition to their duties and outside their normal working hours.

10. The Commissioner shall not permit any application for adjournment on the dates fixed, except where absolutely unavoidable.

11. The Court Commissioner shall submit report with notes of evidence within eight weeks from today.

12. Learned Counsel appearing on behalf of the Defendants submits that his clients are ready and willing to attempt to resolve the matter for which purpose he shall submit proposal without prejudice to the Advocates for the Plaintiff.

13. Stand over to 9th July 2025.

(ARIF S. DOCTOR, J.)